

## North Carolina Court of Appeals

## Docket Sheet

Shepenyuk v. Abdelilah

Case Number: P22-254

As of: 05/13/2025

Case Closed: Yes

Close Date:

Case Type: Civil (Civil\_othr)

Mediation: No

GANNA SHEPENYUK  
PLAINTIFF-APPELLANT.

V.

YOUSSEF ABDELILAH  
DEFENDANT-APPELLEE

<b>Docket Date:</b>		<b>File Date:</b>		<b>File Time:</b>		<b>Acquired Date:</b>	06-01-2022
<b>Bond Collected:</b>	No	<b>Docket Fee:</b>	No	<b>Pauper:</b>	No	<b>Print Deposit:</b>	No
						<b>State Appeals:</b>	No

## History

Venue: Wake (10) Heard In: District Court

To SC: From SC:

## Lower Court Number(s)

Location: Wake (10)

Judge:

Case #: 22CVD365

## Tracking/Argue

## Opinion

## Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) PWC	06-01-2022	06-01-2022		06-17-2022			Dismissed	06-16-2022
(2) ADD-AUTH	06-07-2022							
(3) M-GEN	06-14-2022	06-14-2022					Special Order	06-16-2022
(4) M-GEN	06-24-2022	06-24-2022					Allowed	06-24-2022
(5) OTHER	07-17-2022	07-17-2022						

1 - PWC (Dismissed) - 06-16-2022  
 Filed: 06-01-2022 @ 18:27:48  
 FOR: Plaintiff-Appellant Shepenyuk, Ganna  
 BY : Mr. Anton M. Lebedev  
 LAW OFFICES OF ANTON M. LEBEDEV

The following order was entered:

The 'Petition for Writ of Certiorari' filed in this cause by plaintiff-appellant Ganna Shepenyuk on 1 June 2022 is dismissed.

By order of the Court this the 16th of June 2022.

The above order is therefore certified to the Clerk of the District Court, Wake County.

2 - MEMOS ADD-AUTH  
 Filed: 06-07-2022 @ 00:53:15  
 FOR: Plaintiff-Appellant Shepenyuk, Ganna  
 BY : Mr. Anton M. Lebedev  
 LAW OFFICES OF ANTON M. LEBEDEV

3 - MOTION MOTION TO WITHDRAW CERTIORARI PETITION & TO PROCEED IN FORMA PAUPERIS (Special Order) - 06-16-2022  
 Filed: 06-14-2022 @ 17:35:45  
 FOR: Plaintiff-Appellant Shepenyuk, Ganna  
 BY : Mr. Anton M. Lebedev  
 LAW OFFICES OF ANTON M. LEBEDEV

The following order was entered:

The 'Motion to Withdraw Certiorari Petition and to Proceed In Forma Pauperis' filed in this cause by plaintiff-appellant Ganna Shepenyuk on 14 June 2022 is decided as follows: the motion to withdraw plaintiff's certiorari petition is allowed. Plaintiff's request to be declared indigent for the purposes of the appeal is dismissed without prejudice to plaintiff including the trial court's 14 June 2022 order finding her to be a civil pauper in the record on appeal. See N.C. R. App. P. 9(a)(1)(i).

By order of the Court this the 16th of June 2022.

4 - MOTION DEFENDANT-APPELLEE'S MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF-APPELLANT'S PROPOSED RECORD ON APPEAL (Allowed) - 06-24-2022  
 Filed: 06-24-2022 @ 12:50:46  
 FOR: Defendant-Appellee Abdelilah, Youssef  
 BY : Mr. David M. Yopp

The following order was entered:

The motion filed in this cause on the 24th of June 2022 and designated 'Defendant-Appellee's Motion for Extension of Time to Respond to Plaintiff-Appellant's Proposed Record on Appeal' is allowed. Defendant-Appellee shall serve amendments, objections, a proposed alternative record on appeal, or a notice of approval upon Plaintiff-Appellant on or before 18 August 2022.

By order of the Court this the 24th of June 2022.

5 - OTHER  
 Filed: 07-17-2022 @ 19:37:32  
 FOR: Plaintiff-Appellant Shepenyuk, Ganna  
 BY : Mr. Anton M. Lebedev  
 LAW OFFICES OF ANTON M. LEBEDEV

#### Financial Information

#### Receipts

Date Charged	Charge Type	Amount	Amount Paid	Document	Pages	Receipt #	Date Paid
06-02-2022	Pre Docket Fees	10.00	10.00			R112005922	11-07-2022
Invoice : V062003722							
06-15-2022	Pre Docket Fees	10.00	10.00			R112006022	11-07-2022

NORTH CAROLINA COURT OF APPEALS

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GANNA SHEPENYUK  
Plaintiff-Appellant

From Wake  
22-CVD-365

v.

YOUSSEF ABDELILAH  
Defendant-Appellee

.....  
NOTICE OF OBJECTION TO FURTHER EXTENSIONS OF DEADLINE FOR  
APPELLEE TO RESPOND TO PROPOSED RECORD ON APPEAL

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NOW COMES, the Plaintiff-Appellant, Ganna Shepenyuk, by and through undersigned counsel, Anton M. Lebedev and notes her objection to any further extensions of the deadline for the Defendant-Appellee to respond to the proposed record on appeal. In support of the objection, she alleges and states the following:

1. The parties had a marriage ceremony on 22 August 2015 in Virginia. As a result of the marriage ceremony, the parties held each other out as husband and wife, filed taxes jointly, and lived together. Among other things, the Plaintiff-Appellant took care of the Defendant-Appellee's family members, made improvements to the household, and provided the Defendant-Appellee consortium.
2. Toward the end of the marriage, the parties learned that their marriage was likely invalid due to a lack of a marriage license. However, neither party



filed an action under either V.A. § 20-89.1 or V.A. § 20-89.1 to either annul or affirm the marriage.

3. Believing that her marriage was not presumptively legally valid, the Plaintiff told the Wake County District Court in a domestic violence protective proceeding and suggested to the Wake County Superior Court in a later-dismissed partition proceeding that she is not legally married to the Defendant. The issue of whether an equitable marriage formed was not addressed in these proceedings.
4. Subsequently, the Plaintiff-Appellant filed a complaint for equitable distribution, alimony, post-separation support, and interim distribution in Wake County District Court alleging that she is presumptively legally married to the Defendant and alternatively that the Defendant-Appellee should be equitably estopped from denying the existence of a valid marriage in that proceeding.
5. On 27 May 2022, the District Court dismissed the Plaintiff-Appellant's equitable distribution, alimony, postseparation support, and interim distribution claims. The Plaintiff-Appellant timely filed her notice of appeal to this Court.
6. On 16 July 2022, counsel for the Plaintiff-Appellant served an Amended Proposed Record on Appeal on counsel for the Defendant-Appellee.<sup>1</sup>

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<sup>1</sup> Counsel e-mailed the proposed record on appeal to all of the Plaintiff's lawyers on 16 July 2022. Additionally, counsel mailed Sarah Privette a copy of the proposed record on appeal on 17 July 2022 via USPS Priority Mail (tracking # 9505 5134 3168 2168 5938 42).

7. On 24 June 2022, the Defendant-Appellee moved to extend the deadline to 18 August 2022 which this Court granted before counsel had an opportunity to respond.
8. The Plaintiff-Appellant was declared to be a pauper by the Wake County District Court. Because the trial court dismissed her claims, the Plaintiff-Appellant is suffering significant financial difficulties at this time.
9. The Plaintiff-Appellant believes that the Defendant-Appellee may attempt to seek additional extensions for the purpose of inducing the Plaintiff-Appellant to enter into a subpar settlement out of desperation. Opposing counsel, Justin Apple previously suggested to counsel that an appeal will be unfavorable to the Plaintiff-Appellant with "regard to the likely [] duration" and suggested that a settlement offer will be made soon.
10. The Defendant-Appellee has previously engaged in offensive and bad-faith conduct toward the Plaintiff-Appellant including but not limited to attempting to mediate this matter without agreeing to disclosures and filing a frivolous motion for sanctions against the Plaintiff for litigating clearly well-founded arguments.
11. The Plaintiff-Appellant also has concerns that any further delays may cause the Defendant-Appellee to dispose of property involving in this litigation. This concern stems in part from the Defendant-Appellee selling the house in Tennessee. While this house was purchased prior to the marriage ceremony, the Plaintiff-Appellant contends that there is some marital interest in that

house because the mortgage for that house was paid in part with marital funds.

12. Counsel for the Plaintiff-Appellant already completed the first draft of the opening brief. When the record on appeal is settled, the Plaintiff-Appellant intends to file a motion to expedite her appeal for the reasons discussed in this motion.
13. Plaintiff-Appellant believes that she is going to prevail on her appeal and does not intend to dismiss the action, unless a reasonable settlement offer is made.
14. Counsel did not locate any active appellate dockets for either Justin Apple or David Yopp other than for this case. While counsel understands that Mr. Yopp, Mr. Apple, and Ms. Privette may have other professional obligations, he has never previously had an opposing counsel object to his proposed record on appeal, much less request multiple extensions to respond to a proposed record on appeal.
15. The Defendant-Appellee appears to have hired multiple lawyers who can easily review the proposed record on appeal as a team effort.<sup>2</sup>
16. The 18 August 2022 deadline provides opposing counsel more than enough time to raise objections to the proposed record on appeal, as well as to make any settlement offers to the Plaintiff-Appellant. See M.R.P.C. 3.2 cmt. ("Dilatory practices bring the administration of justice into disrepute.")

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<sup>2</sup> Throughout this litigation, the Defendant-Appellee made dubious statements that he lacks financial resources while hiring at least four attorneys to somehow work on his case and earning six figures.

WHEREFORE, the Plaintiff-Appellant respectfully requests that this Honorable North Carolina Court of Appeals denies any and all future extension requests to allow the Defendant-Appellee more time to respond to the proposed record on appeal, and grants her any and all other relief that it deems just and proper given the circumstances at hand.

Respectfully submitted, this the 17<sup>th</sup> day of July, 2022

(Electronically Submitted)

Anton M. Lebedev

*Attorney for the Plaintiff-Appellant*

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